

Remarks

The Applicant has cancelled independent Claims 16 and 32 in favor of newly added Claim 33. Newly added Claim 33 is somewhat based on original Claims 16 and 32, but uses somewhat different terminology. For example, Claim 33 refers to a unit comprising a sleeve, a tube and a plug. The language supporting use of the term “unit” may be found in the Applicant’s Substitute Specification at paragraph [0046]. Also, reference to various of the Figures shows a representative example of a tube 1, a sleeve 7 and a plug 14. Additional support for other portions of Claim 33 may be found in paragraphs [0028] and [0037], original Claims 16 and 32, as well as the drawings.

The Applicant respectfully submits that new independent Claim 33 is in full compliance with §112, first and second paragraphs, and respectfully requests examination on the merits.

The Applicant has amended Claims 1 – 25 and Claims 27 – 29 so that they are in conformance with new Claim 33 and also properly depend directly or indirectly from that new claim. Entry of those changes into the official file is also respectfully requested.

Claims 16 – 32 stand rejected under 35 USC §112 as failing to comply with the enablement requirement. The Applicant notes with appreciation the Examiner’s helpful comments with respect to Claim 16 in particular. New Claim 33 has been drawn with those comments in mind. The Applicant nonetheless respectfully submits that the rejection is now moot with respect to Claims 16 and 32 and that the remaining Claims 17 – 31 are in compliance by virtue of their dependence from new Claim 33. Withdrawal of the rejection is respectfully requested.

Claims 16, 17, 21, 22, 27 and 32 stand rejected under 35 USC §112 as being indefinite. The Applicant again notes with appreciation the Examiner’s helpful comments with respect to those individual claims. The Applicant respectfully submits that the rejection is now moot with respect to

Claims 16 and 32. The Applicant has nonetheless drawn Claim 33 with those helpful comments in mind.

The Applicant has made appropriate amendments to Claims 17, 21, 22 and 27 so that they are now in proper form. Withdrawal of the rejection is respectfully requested.

Claims 16 – 26 and 28 – 32 stand rejected under 35 USC §102 as being anticipated by Versen. The Applicant notes with appreciation the Examiner's helpful comments with respect to the application of Versen against those claims. The Applicant respectfully submits that the rejection is now moot with respect to Claims 16 and 32. The Applicant respectfully submits that Versen is inapplicable to Claims 17 – 26 and 28 – 31 and also inapplicable against new Claim 33. Reasons are set forth below.

As noted above, new Claim 33 recites a sleeve, a tube shaped to slide into the sleeve and provided with a system that interlocks the sleeve on the tube in a single direction at first and second levels, and a plug having an opening, wherein after interlocking at the first level, the sleeve is integrated to the tube in a single direction and after interlocking at the second level, the opening of the plug brings about a physical transformation of the sleeve and not of the plug, the physical transformation being irreversible and visible. The Applicant respectfully submits that Versen does not contain such a structure. Instead, Versen merely discloses an apparatus that includes a cap 42 having a skirt portion 46 that is broken away from the cap 42 when the cap 42 is unscrewed from valve stem 40. This is sharply different from the subject matter set forth in Claim 33 which recites, for example, a tube shaped and sized to contain biological specimens and to slide into a sleeve. There is no such structure in Versen. Moreover, there is no sleeve that is slideable over the tube. Thus, Versen fails to explicitly or implicitly disclose all of the subject matter of Claim 33.

Withdrawal of Versen with respect to Claims 17 – 26 and 28 – 31 is accordingly respectfully requested.

In light of the foregoing, the Applicant respectfully submits that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TDC', is positioned above the printed name of the attorney.

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